

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE POLICY DIRECTIVE 51-9

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Law

CIVIL LAW FOR INDIVIDUALS

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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SUMMARY OF CHANGES

This publication has been revised to reflect updates to the governing DoDDs and DoDIs. The format has changed to improve clarity and organization in the Directive. Additionally, former paragraphs 10, 11, 12, and former Attachment 1, (including Figures A1.1. and A1.2.) have been deleted in accordance with the requirement in AFPD 90-1, *Policy Formulation*, to remove metrics from Policy Directives. Former Attachment 3 has been deleted. Former Attachment 2 is now Attachment 1, Glossary of References and Supporting Documents.

1. Overview. Law and policy regulate the activities that Air Force personnel may undertake. As such, installation commanders must be informed of the legal bases for restricting activities of individuals in order to maintain good order and discipline. Commanders must also be aware of their responsibilities for complaints made under the Uniform Code of Military Justice (UCMJ). This directive establishes policies related to prohibited activities on Air Force reservations; the prosecution of civilian criminal offenses committed on Air Force installations; and the timely and equitable consideration of Article 138, UCMJ complaints. This Directive does not address grievances from non-bargaining civilian employees or from employees represented by an exclusively recognized union, both of which are addressed in AFPD 36-7, *Employee and Labor-Management Relations*.

2. Policy. It is Air Force policy to:

2.1. Prohibit any person holding any office of profit or trust under the United States from accepting gifts of more than minimal value from foreign governments without the consent of the Congress. Air Force military and civilian personnel (including experts and consultants) and their spouses and dependents may only accept gifts from foreign governments as authorized by Title 5, United States Code (USC), Section 7342, and according to instructions implementing this Directive.

2.2. Maintain political neutrality. Air Force members on active duty (10 U.S.C. § 101), including members of the Air Force Reserve and Air National Guard, must not engage in political activities on or off duty that are prohibited by Federal law or DoD regulations. Air Force civilian political activity is governed by the Hatch Act, 5. U.S.C. §§ 7321-7326, as well as by criminal statutes found at 18 U.S.C. §§ 601-610.

2.3. Prohibit demonstrations or other activities within an Air Force installation which could interfere with or prevent the orderly accomplishment of the installation mission, or which present a clear danger to loyalty, discipline, or the morale of members of the Armed Forces.

2.4. Ensure all Air Force personnel comply with the provisions of 10 U.S.C. § 976 and DoDI 1354.01 regarding collective bargaining and labor-management negotiations between members of the Air Force and their military and civilian superiors.

2.5. Seek trial in U.S. district court or U.S. magistrate court, according to the Federal law and instructions implementing this Directive, for civilians who commit offenses in violation of federal law on United States Air Force reservations where the United States has either exclusive or concurrent jurisdiction.

2.6. Ensure Air Force commanders act on Article 138, UCMJ, complaints submitted by Air Force members; grant redress where warranted; and process such complaints according to instructions implementing this Directive. Article 138, UCMJ, rights, policies, and procedures apply only to Air Force members who are subject to the UCMJ at the time the alleged offending action was taken.

3. Roles and Responsibilities.

3.1. Air Force commanders are responsible for maintaining good order and discipline. Under certain circumstances, this may necessitate restricting the activities and access of individuals. Before implementing such restrictions, commanders should consult with their servicing Staff Judge Advocate (SJA).

3.2. The Judge Advocate General (TJAG), Headquarters U.S. Air Force (AF/JA), shall be responsible for interpreting this directive and its implementing instructions.

3.3. The Office of the Air Force General Counsel (SAF/GC) is responsible for providing legal advice related to the Hatch Act. SAF/GC shall be responsible for interpreting the applicability of 5 USC §§ 7321-7326 and criminal statutes at 18 USC §§ 601-610 to Air Force employees.

3.4. Installation SJAs shall be responsible for providing advice and counsel to commanders regarding the legal bases for a particular restriction and to ensure an appropriate balance between individual civil liberties and good order and discipline on an installation.

DEBORAH LEE JAMES
Secretary of the Air Force

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Title 5, United States Code (U.S.C.), Section 7342 “Receipt and disposition of foreign gifts and decorations”

5. U.S.C. §§ 7321-7326

10 U.S.C. § 101 “Definitions”

10 U.S.C. § 976 “Membership in military unions, organizing of military unions, and recognition of military unions prohibited”

18 U.S.C. §§ 601-610

DoD Directive 1005.13, *Gifts and Decorations from Foreign Governments*, 19 February 2002

DoD Instruction 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*, 27 November 2009

DoD Directive 1344.10, *Political Activities by Members of the Armed Forces*, 19 February 2008

DoD Instruction 1354.01, *DoD Policy on Organizations That Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining*, 19 January 2007

DoD Directive 5525.4, *Enforcement of State Traffic Laws on DoD Installations*, 2 November 1981

Prescribed Forms

There are no prescribed forms

Adopted Forms

AF Form 847, Recommendation for Change of Publication

Abbreviations and Acronyms

AF—Air Force

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFPD—Air Force Policy Directive

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

OPR—Office of Primary Responsibility

SJA—Staff Judge Advocate

TJAG—The Judge Advocate General

UCMJ—Uniform Code of Military Justice

USC—United States Code